

### **Part 3, Chapter 3: Regulations regarding commercial fishing.**

*RULE 3.2 REGULATIONS REGARDING THE COMMERCIAL HARVEST OF PADDLEFISH AND PADDLEFISH EGGS.* 40 Miss. Administrative Code Part 3, Chapter 3 Rule 3.2 is hereby amended.

A. The following rules, regulations and required licenses and permits relative to commercial harvest of the American Paddlefish (spoon bill catfish) and possession of any Paddlefish (*Polyodon spathula*) or Bowfin, (*Amia calva*) eggs are hereby adopted.

B. The following rules, regulations and required licenses and permits do not pertain to persons engaged in sport fishing.

C. Persons permitted in another state to harvest Paddlefish accessing reciprocal border waters from their respective border state may transport their catch into and through Mississippi but no other rights are granted to them that are not specified in this rule.

D. Bowfin can be taken by persons with a Commercial Fishing License. No other permits are required to harvest Bowfin.

#### **E. Definitions:**

1. Paddlefish Harvester – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Harvester Permit that allows such person to fish for, attempt to take, possess, and transport Paddlefish to a Paddlefish Processor for documentation of harvest, after which the sale and processing including the removal of eggs may take place.

2. Paddlefish Helper – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Helper Permit who assists a person with a Paddlefish Harvester Permit with the fishing for, attempting to take, and taking of Paddlefish. A Paddlefish Harvester Permit can substitute for a Paddlefish Helper permit when assisting another Paddlefish Harvester who has an appropriate Paddlefish Harvest Zone Authorization Card.

3. Paddlefish Processor – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2) who possesses a valid Paddlefish Processor Permit and may have a contract with MDWFP which allows him to purchase, attempt to purchase, barter for, process, sell, ship, import, and export Paddlefish, Bowfin, Paddlefish eggs or Bowfin eggs. The Paddlefish Processor shall document the Paddlefish harvest of the Paddlefish Harvester from whom he/she receives, acquires, and or purchases Paddlefish.

4. Paddlefish Processing Agent – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2) who possesses a valid Paddlefish Processing Agent Permit to assist the Paddlefish Processor. The Paddlefish Processing Agent can document the Paddlefish harvest of Paddlefish Harvesters from whom the Paddlefish Processing

Agent receives Paddlefish for transport to a processing facility. The Paddlefish Processing Agent can also supervise the operation and activities at a processing facility.

5. Paddlefish Harvest Zone Authorization Card – A card issued by the MDWFP which authorizes a Paddlefish Harvester to fish for and harvest Paddlefish in the specific waters and dates listed on that card. The Paddlefish Harvest Zone Authorization Card must be carried on the person of the Paddlefish Harvester at all times when they are fishing for or harvesting Paddlefish in that zone.

6. Documented Paddlefish – A Paddlefish legally harvested by a Paddlefish Harvester that has been tagged, the date of harvest, the harvest location, and tag number, has been recorded by the Paddlefish Harvester on a Paddlefish Transaction Form prior to transporting the fish to a Paddlefish Processor or a Paddlefish Processing Agent. Upon exchanging the fish with either a Paddlefish Processor or a Paddlefish Processing Agent, documentation shall include eye to tail fork length, sex and weight of egg sacs. Copies of the original Paddlefish Transaction Form are acceptable for use.

7. Sell or Exchange or Transaction means the transfer of possession of whole Paddlefish, Paddlefish parts, and Paddlefish eggs from a Paddlefish Harvester to a Paddlefish Processor or Paddlefish Processing Agent.

8. Mutilation means cutting, puncturing, tearing or disfiguring the body portion of a Paddlefish in any way not otherwise permitted.

9. Paddlefish Labeling means that the containers or packages containing all Paddlefish products shall be identified by a lot number that lists the MDWFP Paddlefish tag number of the fish from which the product came from. Products packaged for consumption or sale shall have a label listing the product as “A Product of Mississippi, USA” and the label shall state one of the following as appropriate to the source of the product “Wild Paddlefish Eggs or Caviar”; Wild Bowfin Eggs or Caviar”; or “Wild Paddlefish Flesh”.

10. Paddlefish Net – Gear legal for the harvest of Paddlefish during the Paddlefish Eggs Harvest Season described as follows:

a. The Paddlefish net shall be a multi-filament net with mesh of six (6) inches or larger in square measure from knot to knot.

Exception: Monofilament paddlefish nets with mesh of six (6) inches or larger (square measure knot to knot) may be fished in the following zones: Mississippi River, Yazoo, Lower Sunflower River, and Coldwater River.

b. The Paddlefish net shall be marked by a floating orange-colored buoy that has the Paddlefish Harvester’s MDWFP number on the buoy in black letters at least ¼ inch in height. The Paddlefish net shall have attached to it both the buoy and a Commercial Fishing Equipment Tag.

11. Paddlefish Egg Harvest Season – September 1<sup>st</sup> through March 31<sup>st</sup> of each calendar year when Paddlefish have eggs suitable for producing caviar. Paddlefish Harvest for eggs is only legal in Paddlefish Harvest Zones as specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

12. Paddlefish Summer Harvest Season – May 1<sup>st</sup> through August 31<sup>st</sup> of each calendar year.

#### F. Paddlefish Tagging.

1. All harvested Paddlefish must be tagged with a MDWFP issued numbered tag.

2. An MDWFP Paddlefish tag shall be attached to the dorsal fin of each Paddlefish at the time of harvest (removal from a net and retained). This tag must remain on all Paddlefish including blocked Paddlefish until the flesh is packed for retail sale, at which time the packaged flesh must be labeled according to the Paddlefish Labeling definition.

#### G. Paddlefish Harvest:

1. The immediate release of dead Paddlefish does not constitute take unless Paddlefish were removed and released from nets that have not been checked or run at least once within any 24 hour period.

2. During the Paddlefish Egg Harvest Season, persons having a Paddlefish Harvester Permit shall document all Paddlefish harvested with a Paddlefish Processor or a Paddlefish Processing Agent, and can only sell to or exchange Paddlefish eggs and Bowfin eggs with a Paddlefish Processor or a Paddlefish Processing Agent working for a Paddlefish Processor.

#### H. Penalty for Violations.

1. Violation of any of the Mississippi state laws or this rule (40 Mississippi Administrative Code Part 3, Rule 3.2) pertaining to Paddlefish will be considered a Class I offense as specified in MISS. CODE ANN. §Section 49-7-90, and punishable as per the provisions of MISS. CODE ANN. §49-7-141.

a. The unlawful possession of any dark colored eggs, similar to that of Paddlefish, including Bowfin eggs, shall be considered to be Paddlefish eggs, until proven by violator as otherwise.

2. Failure to submit or the falsification of any required Paddlefish information submitted to the MDWFP as specified in 40 Miss. Administrative Code Part 3 Rule 3.5 (Paddlefish Reporting) may result in the revocation of Paddlefish Harvester, Paddlefish Harvester Helper, Paddlefish Processor and Paddlefish Processor Agent Permits.

#### I. Paddlefish Harvest During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful for any person without a resident Mississippi Commercial Fishing License and a Paddlefish Harvester Permit to fish for, attempt to take, take, possess, barter for, or sell Paddlefish, or to possess, receive, obtain or acquire Paddlefish eggs or Bowfin eggs, except as provided for in section D.

2. It shall be unlawful for persons with Paddlefish Harvester and Helper Permits to harvest, possess, sell, exchange, transport or ship Paddlefish Flesh, Paddlefish parts, Paddlefish eggs or Bowfin eggs to anyone who is not a Paddlefish Processor or Paddlefish Processing Agent, except as provided for in section D.

3. It shall be unlawful for a Paddlefish Helper to fish for, take, attempt to take, or harvest or remove Paddlefish from nets when he/she is not in the immediate presence of a Paddlefish Harvester.

4. It shall be unlawful to fish for, harvest, or possess Paddlefish or Paddlefish parts from any water and at any time not designated as a Paddlefish Harvest Zone specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

5. It shall be unlawful for any person not chosen by the MDWFP to fish in a specific Paddlefish Harvest zone to harvest, possess or acquire a Paddlefish from that Paddlefish Harvest zone.

6. It shall be unlawful for any person to fish in a specific Paddlefish Harvest zone to harvest, possess or acquire a Paddlefish from that Paddlefish Harvest zone unless they carry on their person the Paddlefish Harvest Zone Authorization Card naming them as the person permitted to fish in that Paddlefish Harvest Zone during the specified legal harvest period for that Paddlefish Harvest Zone.

7. It shall be unlawful to harvest, receive, acquire, or possess any Paddlefish from any gear except for Paddlefish Nets specified in Section E10.

8. It shall be unlawful for anyone to fish for, attempt to take or take Paddlefish from 30 minutes after sunset until thirty minutes before sunrise, except as specified in Rule 3.4.

9. It shall be unlawful to fail to check, run or leave a Paddlefish net unattended or fail to remove Paddlefish from Paddlefish Nets at least once in any 24 hour period.

10. It shall be unlawful to harvest, take or possess Paddlefish less than 37 inches eye to fork length (front of eye to curvature in fork of tail) with Paddlefish laid flat on a flat board. The measuring device will be laid on a flat surface and the Paddlefish shall be laid atop the measuring device. Measurements made by stretching a measuring tape along the side of the body, measuring in an arc are not valid measurements of Paddlefish length.

Exception: On the Mississippi River Zone it shall be unlawful to harvest, take or possess Paddlefish less than 35 inches eye to fork length.

11. It shall be unlawful for a Paddlefish Harvester, Paddlefish Harvester Helper or Paddlefish Processor or Paddlefish Processor Agent to knowingly possess, receive, or acquire Paddlefish taken unlawfully.

#### J. Paddlefish Tagging During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful --- once a Paddlefish has been removed from a net and retained --- to possess, obtain or receive a Paddlefish without a MDWFP issued Paddlefish tag attached to the dorsal fin.

Exception: This tagging requirement does not apply to Paddlefish possessed by persons having Arkansas Egg Taker Permit fishing in reciprocal waters open to Paddlefish harvest.

2. It shall be unlawful to remove a MDWFP Paddlefish tag from a Paddlefish until the flesh is packaged for retail sale at which time the flesh shall be plainly marked and labeled as specified in the Paddlefish Labeling definition.

3. It shall be unlawful for Paddlefish Harvesters to possess MDWFP Paddlefish tags they have not purchased.

#### K. Paddlefish Handling During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful to possess, exchange, sell or attempt to sell a Paddlefish that does not remain whole after capture with the eggs remaining entirely within the body cavity of the Paddlefish until the Paddlefish are exchanged with a Paddlefish Processor or a Paddlefish Processing Agent. This regulation also applies to nonresident commercial fishermen in reciprocal waters.

2. It shall be unlawful for all persons to possess harvested undocumented Paddlefish in a boat on the water unless they all have either a Paddlefish Harvester Permit or a Paddlefish Harvester Helper Permit with at least one person in the boat having a Paddlefish Harvester Permit.

3. It shall be unlawful to cut or mutilate Paddlefish or expose Paddlefish eggs, while on the water, or between the water and until after the Paddlefish has been documented at a Paddlefish Processing facility.

##### Exceptions:

a. A 12-gauge needle inserted into the side of a Paddlefish adjacent to the ovaries may be used to determine the presence of eggs.

b. The snout forward of the eye may be removed for transport.

c. The gill rakers inside the mouth can be cut to bleed the fish.

4. It shall be unlawful for a person to receive, acquire, or possess Paddlefish eggs that have been removed from Paddlefish, unless as legally permitted herein.

#### L. Paddlefish Transport, Exchange, Documentation and Sale During the Egg Harvest Season -- Unlawful Acts

1. It is unlawful for anyone to possess, buy, sell, attempt to sell, transport, exchange, barter, or ship across the Mississippi state line Paddlefish, Paddlefish parts, Paddlefish eggs, or Bowfin eggs without a Paddlefish Processor Permit and without a documented Paddlefish Transaction Form with the product.

Exceptions:

a. Persons who have purchased Paddlefish flesh or processed and packaged Paddlefish eggs for their own consumption.

b. Restaurants, grocery stores, hotels, retail fish markets, and wholesale food suppliers selling Paddlefish eggs or Paddlefish parts fully processed, packaged and ready for retail sale in sealed container.

c. Commercial shipping firms or authorized agents may possess legally taken Paddlefish and/or Paddlefish eggs or flesh shipped by persons having a Mississippi Paddlefish Processor Permit.

d. Persons with a Paddlefish Harvester Permit can transport legally harvested and tagged paddlefish to a person with either a Paddlefish Processor Permit or a Paddlefish Processing Agent Permit for documentation of their catch.

2. It is unlawful to sell Paddlefish flesh without complying with the licensing requirements in MS Code Section 49-7-9.

3. It is unlawful ---once on shore---, for Paddlefish Harvesters and Paddlefish Helpers to transport or exchange or attempt to exchange Paddlefish with a Paddlefish Processor or Paddlefish Processing Agent, unless the Paddlefish are accompanied by a Paddlefish Transaction Form containing all of the following information the harvester's printed name, the number of nets used, the date of harvest, the capture locations, the tag numbers for the possessed Paddlefish, and the signature of the Mississippi Paddlefish Harvester to document the Paddlefish.

4. It is unlawful for Paddlefish Harvesters to fail to document their Paddlefish catch before transporting it on land to a Paddlefish Processor or Paddlefish Processing Agent.

5. It is unlawful --- except for the transport specified in L3 --- for Paddlefish Helpers to exchange, sell, resell, or ship for sale Paddlefish or Paddlefish parts.

6. It shall be unlawful to receive, acquire, possess, transport, export, import, or ship whole Paddlefish, Paddlefish parts, Paddlefish eggs or Bowfin eggs without a Documented Paddlefish Transaction Form with any such product.

M. Paddlefish Processing, Storage and Disposal During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful to process Paddlefish at any location that does not comply with Federal and State Health Regulations.

2. It shall be unlawful for anyone to process Paddlefish unless they are supervised by a person having a Paddlefish Processor Permit or a Paddlefish Processor Agent Permit.

3. It is unlawful to dispose of Paddlefish or Paddlefish parts in violation of the applicable waste disposal regulations established by the Mississippi Department of Environmental Quality. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany Paddlefish transported for waste disposal.

4. It shall be unlawful to receive, acquire, possess, or store any fish eggs in wholesale or bulk containers that do not contain Paddlefish Labeling.

5. It shall be unlawful to possess processed Paddlefish flesh and processed Paddlefish eggs without a Paddlefish Transaction Form signed by the Paddlefish Harvester and the Paddlefish Processor or Paddlefish Processing Agent which identifies the Paddlefish products to each Paddlefish by Paddlefish Tag Number, and by lot number.

6. It shall be unlawful for any person to possess, buy, sell, exchange or ship across the Mississippi state line whole Paddlefish, Paddlefish parts, Paddlefish eggs without the proper Paddlefish permits and a Documented Paddlefish Transaction Form with the product.

7. It shall be unlawful for any person, business, partnership, firm, or cooperation to make or submit any false record, account, or label for, or any false identification of Paddlefish or Bowfin and their parts which has been or is intended to be imported, exported, transported, sold, purchased, or bartered in intrastate or interstate commerce.

#### N. Inspections.

1. MDWFP personnel shall be authorized to inspect without warrant, Paddlefish Transaction Forms, other required forms, processing facilities, transport vehicles and boats and may record biological data on harvested Paddlefish.

#### O. Paddlefish Flesh Sales

1. Paddlefish flesh documented on a Paddlefish Transaction Form by a Paddlefish Processor may be retained by anyone for sale, barter, consumption, donation, or disposal. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany the Paddlefish. The Mississippi Paddlefish Tag must remain on the fish until it is sold to a consumer or until the flesh is packaged for retail sale.

#### P. Paddlefish Summer Harvest Season.

1. Paddlefish Summer Harvest Season is the months of May through August when Paddlefish eggs are not generally acceptable for producing caviar.

2. It shall be unlawful to receive, acquire, or possess eggs from Paddlefish harvested during the Paddlefish Summer Harvest Season.

3. It shall be unlawful for any person to attempt to take or take a Paddlefish during the Paddlefish Summer Harvest Season without having a valid Mississippi Resident Commercial Fishing License in his/her immediate possession.

4. It shall also be unlawful to harvest, receive, acquire, or possess a Paddlefish during the Summer Harvest Season unless it is tagged with a Mississippi Summer Paddlefish Harvest Tag, issued by MDWFP.

5. Paddlefish tagging requirements apply to Paddlefish taken during the Paddlefish Summer Harvest Season. Summer Paddlefish tags must remain on all Paddlefish including blocked Paddlefish until the flesh is placed for retail sale, at which time the packaged flesh must be labeling according to the Paddlefish Labeling definition.

6. The signature of the Paddlefish Processor is not required on a Paddlefish Transaction Form for Paddlefish taken during the Paddlefish Summer Harvest Season.

7. During the Paddlefish Summer Harvest Season it shall be unlawful to take Paddlefish from any waters not open to commercial fishing as listed in current version of Rule 3.1, and Paddlefish harvest from the following waters is also unlawful:

a. Any waters part of, or tributaries to the Tennessee River, Tombigbee River or the Tennessee-Tombigbee Waterway.

b. Any waters part of, or tributaries in the Pascagoula River watershed.

8. The immediate release of dead Paddlefish does not constitute take.

9. It shall be unlawful during the Paddlefish Summer Harvest Season to take or possess more than five (5) Paddlefish per day.

10. There shall be no possession of Paddlefish eggs from Paddlefish harvested during the Paddlefish Summer Harvest Season.

HISTORY: Revised September 2013

SOURCE: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-90.

### **Part 3, Chapter 3: Regulations regarding commercial fishing.**

*RULE 3.2 REGULATIONS REGARDING THE COMMERCIAL HARVEST OF PADDLEFISH AND PADDLEFISH EGGS.* 40 Miss. Administrative Code Part 3, Chapter 3 Rule 3.2 is hereby amended.

A. The following rules, regulations and required licenses and permits relative to commercial harvest of the American Paddlefish (spoon bill catfish) and possession of any Paddlefish (*Polyodon spathula*) or Bowfin, (*Amia calva*) eggs are hereby adopted.

B. The following rules, regulations and required licenses and permits do not pertain to persons engaged in sport fishing.



C. Persons permitted in another state to harvest Paddlefish accessing reciprocal border waters from their respective border state may transport their catch into and through Mississippi but no other rights are granted to them that are not specified in this rule.

D. Bowfin can be taken by persons with a Commercial Fishing License. No other permits are required to harvest Bowfin.

E. Definitions:

1. Paddlefish Harvester – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Harvester Permit that allows such person to fish for, attempt to take, possess, and transport Paddlefish to a Paddlefish Processor for documentation of harvest, after which the sale and processing including the removal of eggs may take place.

2. Paddlefish Helper – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Helper Permit who assists a person with a Paddlefish Harvester Permit with the fishing for, attempting to take, and taking of Paddlefish. A Paddlefish Harvester Permit can substitute for a Paddlefish Helper permit when assisting another Paddlefish Harvester who has an appropriate Paddlefish Harvest Zone Authorization Card.

3. Paddlefish Processor – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2) who possesses a valid Paddlefish Processor Permit and ~~has~~ may have a contract with MDWFP which allows him to purchase, attempt to purchase, barter for, process, sell, ship, import, and export Paddlefish, Bowfin, Paddlefish eggs or Bowfin eggs. The Paddlefish Processor shall document the Paddlefish harvest of the Paddlefish Harvester from whom he/she receives, acquires, and or purchases Paddlefish.

4. Paddlefish Processing Agent – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2) who possesses a valid Paddlefish Processing Agent Permit to assist the Paddlefish Processor ~~in his contractual duties with MDWFP~~. The Paddlefish Processing Agent can document the Paddlefish harvest of Paddlefish Harvesters from whom the Paddlefish Processing Agent receives Paddlefish for transport to a processing facility. The Paddlefish Processing Agent can also supervise the operation and activities at a processing facility.

5. Paddlefish Harvest Zone Authorization Card – ~~means~~ A card issued by the MDWFP which authorizes a Paddlefish Harvester to fish for and harvest Paddlefish in the specific waters and dates listed on that card. The Paddlefish Harvest Zone Authorization Card must be carried on the person of the Paddlefish Harvester at all times when they are fishing for or harvesting Paddlefish in that zone.

6. Documented Paddlefish – A Paddlefish legally harvested by a Paddlefish Harvester that has been tagged, the date of harvest, the harvest location, and tag number, has

been recorded by the Paddlefish Harvester on a Paddlefish Transaction Form prior to transporting the fish to a Paddlefish Processor or a Paddlefish Processing Agent. Upon exchanging the fish with either a Paddlefish Processor or a Paddlefish Processing Agent, documentation shall include eye to tail fork length, sex and weight of egg sacs. Copies of the original Paddlefish Transaction Form are acceptable for use.

7. Sell or Exchange or Transaction means the transfer of possession of whole Paddlefish, Paddlefish parts, and Paddlefish eggs from a Paddlefish Harvester to a Paddlefish Processor or Paddlefish Processing Agent.

8. Mutilation means cutting, puncturing, tearing or disfiguring the body portion of a Paddlefish in any way not otherwise permitted.

9. Paddlefish Labeling means that the containers or packages containing all Paddlefish products shall be identified by a lot number that lists the MDWFP Paddlefish tag number of the fish from which the product came from. Products packaged for consumption or sale shall have a label listing the product as “A Product of Mississippi, USA” and the label shall state one of the following as appropriate to the source of the product “Wild Paddlefish Eggs or Caviar”; Wild Bowfin Eggs or Caviar”; or “Wild Paddlefish Flesh”.

10. Paddlefish Net – Gear legal for the harvest of Paddlefish during the Paddlefish Eggs Harvest Season described as follows:

a. The Paddlefish net shall be a multi-filament net with mesh of six (6) inches or larger in square measure from knot to knot.

Exception: Mono-filament paddlefish nets with mesh of six (6) inches or larger (square measure knot to knot) may be fished in the following zones: Mississippi River, Yazoo, Lower Sunflower River, and Coldwater River.

b. The Paddlefish net shall be marked by a floating orange-colored buoy that has the Paddlefish Harvester’s MDWFP number on the buoy in black letters at least ¼ inch in height. The Paddlefish net shall have attached to it both the buoy and a Commercial Fishing Equipment Tag.

11. Paddlefish Egg Harvest Season – September 1<sup>st</sup> through March 31<sup>st</sup> of each calendar year when Paddlefish have eggs suitable for producing caviar. Paddlefish Harvest for eggs is only legal in Paddlefish Harvest Zones as specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

12. Paddlefish Summer Harvest Season – May 1<sup>st</sup> through August 31<sup>st</sup> of each calendar year.

#### F. Paddlefish Tagging.

1. All harvested Paddlefish must be tagged with a MDWFP issued numbered tag.

2. An MDWFP Paddlefish tag shall be attached to the dorsal fin of each Paddlefish at the time of harvest (removal from a net and retained) .This tag must remain on all Paddlefish including blocked Paddlefish until the flesh is packed for retail sale, at which time the packaged flesh must be labeled according to the Paddlefish Labeling definition.

#### G. Paddlefish Harvest:

1. The immediate release of dead Paddlefish does not constitute take unless Paddlefish were removed and released from nets that have not been checked or run at least once within any 24 hour period.

2. During the Paddlefish Egg Harvest Season, persons having a Paddlefish Harvester Permit shall document all Paddlefish harvested with a Paddlefish Processor or a Paddlefish Processing Agent, and can only sell to or exchange Paddlefish eggs and Bowfin eggs with a Paddlefish Processor or a Paddlefish Processing Agent working for a Paddlefish Processor.

#### H. Penalty for Violations.

1. Violation of any of the Mississippi state laws or this rule (40 Mississippi Administrative Code Part 3, Rule 3.2) pertaining to Paddlefish will be considered a Class I offense as specified in MISS. CODE ANN. §Section 49-7-90, and punishable as per the provisions of MISS. CODE ANN. §49-7-141.

a. The unlawful possession of any dark colored eggs, similar to that of Paddlefish, including Bbowfin eggs, shall be considered to be Ppaddlefish eggs, until proven by violator as otherwise.

~~B. items in J3, K2 and K3 that do not directly apply to paddlefish are class III violations.~~

2. Failure to submit or the falsification of any required Paddlefish information submitted to the MDWFP as specified in 40 Miss. Administrative Code Part 3 Rule 3.5 (Paddlefish Reporting) may result in the revocation of Paddlefish Harvester, Paddlefish Harvester Helper, Paddlefish Processor and Paddlefish Processor Agent Permits.

#### I. Paddlefish Harvest During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful for any person without a resident Mississippi Commercial Fishing License and a Paddlefish Harvester Permit to fish for, attempt to take, take, possess, barter for, or sell Paddlefish, or to possess, receive, obtain or acquire Paddlefish eggs or Bowfin eggs, except as provided for in section D.

2. It shall be unlawful for persons with Paddlefish Harvester and Helper Permits to harvest, possess, sell, exchange, transport or ship Paddlefish Flesh, Paddlefish parts, Paddlefish eggs or Bowfin eggs to anyone who is not a Paddlefish Processor or Paddlefish Processing Agent, except as provided for in section D.

3. It shall be unlawful for a Paddlefish Helper to fish for, take, attempt to take, or harvest or remove Paddlefish from nets when he/she is not in the immediate presence of a Paddlefish Harvester.

4. It shall be unlawful to fish for, harvest, or possess Paddlefish or ~~P~~paddlefish parts from any water and at any time not designated as a Paddlefish Harvest Zone specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

5. It shall be unlawful for any person not chosen by the MDWFP to fish in a specific Paddlefish Harvest zone to harvest, possess or acquire a Paddlefish from that Paddlefish Harvest zone.

6. It shall be unlawful for any person to fish in a specific Paddlefish Harvest zone to harvest, possess or acquire a Paddlefish from that Paddlefish Harvest zone unless they carry on their person the Paddlefish Harvest Zone Authorization Card naming them as the person permitted to fish in that Paddlefish Harvest Zone during the specified legal harvest period for that Paddlefish Harvest Zone.

7. It shall be unlawful to harvest, receive, acquire, or possess any Paddlefish from any gear except for Paddlefish Nets specified in Section E10.

8. It shall be unlawful for anyone to fish for, attempt to take or take Paddlefish from 30 minutes after sunset until thirty minutes before sunrise, except as specified in Rule 3.4.

9. It shall be unlawful to fail to check, run or leave a Paddlefish net unattended or fail to remove Paddlefish from Paddlefish Nets at least once in any 24 hour period.

10. It shall be unlawful to harvest, take or possess Paddlefish less than 37 inches eye to fork length (front of eye to curvature in fork of tail) with Paddlefish laid flat on a flat board. The measuring device will be laid on a flat surface and the Paddlefish shall be laid atop the measuring device. Measurements made by stretching a measuring tape along the side of the body, measuring in an arc are not valid measurements of Paddlefish length.

Exception: On the Mississippi River Zone it shall be unlawful to harvest, take or possess Paddlefish less than 35 inches ~~yet~~ eye to fork length.

11. It shall be unlawful for a Paddlefish Harvester, Paddlefish Harvester Helper or Paddlefish Processor or Paddlefish Processor Agent to knowingly possess, receive, or acquire Paddlefish taken unlawfully.

#### J. Paddlefish Tagging During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful --- once a Paddlefish has been removed from a net and retained --- to possess, obtain or receive a Paddlefish without a MDWFP issued Paddlefish tag attached to the dorsal fin.

Exception: This tagging requirement does not apply to Paddlefish possessed by persons having Arkansas Egg Taker Permit fishing in reciprocal waters open to Paddlefish harvest.

2. It shall be unlawful to remove a MDWFP Paddlefish tag from a Paddlefish until the flesh is packaged for retail sale at which time the flesh shall be plainly marked and labeled as specified in the Paddlefish Labeling definition.

3. It shall be unlawful for Paddlefish Harvesters to possess MDWFP Paddlefish tags they have not purchased.

#### K. Paddlefish Handling During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful to possess, exchange, sell or attempt to sell a Paddlefish that does not remain whole after capture with the eggs remaining entirely within the body cavity of the Paddlefish until the Paddlefish are exchanged with a Paddlefish Processor or a Paddlefish Processing Agent. This regulation also applies to nonresident commercial fishermen in reciprocal waters.

~~2. It shall be unlawful to possess exposed Bowfin eggs while on the water.~~

~~3. It shall be unlawful — after landing — to possess exposed Bowfin eggs until the Bowfin has been documented by a Paddlefish Processor or a Paddlefish Processor Agent. This includes all nonresident commercial fishermen in reciprocal waters.~~

2. It shall be unlawful for all persons to possess harvested undocumented Paddlefish in a boat on the water unless they all have either a Paddlefish Harvester Permit or a Paddlefish Harvester Helper Permit with at least one person in the boat having a Paddlefish Harvester Permit.

3. It shall be unlawful to cut or mutilate Paddlefish or expose Paddlefish eggs, while on the water, or between the water and until after the Paddlefish has been documented at a Paddlefish Processing facility.

#### Exceptions:

a. A 12-gauge needle inserted into the side of a Paddlefish adjacent to the ovaries may be used to determine the presence of eggs.

b. The snout forward of the eye may be removed for transport.

c. The gill rakers inside the mouth can be cut to bleed the fish.

4. It shall be unlawful for a person to receive, acquire, or possess Paddlefish eggs that have been removed from Paddlefish, unless as legally permitted herein.

#### L. Paddlefish Transport, Exchange, Documentation and Sale During the Egg Harvest Season -- Unlawful Acts

1. It is unlawful for anyone to possess, buy, sell, attempt to sell, transport, exchange, barter, or ship across the Mississippi state line Paddlefish, Paddlefish parts, Paddlefish

eggs, or Bowfin eggs without a Paddlefish Processor Permit and without a documented Paddlefish Transaction Form with the product.

Exceptions:

a. Persons who have purchased Paddlefish flesh or processed and packaged Paddlefish eggs for their own consumption.

b. Restaurants, grocery stores, hotels, retail fish markets, and wholesale food suppliers selling Paddlefish eggs or Paddlefish parts fully processed, packaged and ready for retail sale in sealed container.

c. Commercial shipping firms or authorized agents may possess legally taken Paddlefish and/or Paddlefish eggs or flesh shipped by persons having a Mississippi Paddlefish Processor Permit.

d. Persons with a Paddlefish Harvester Permit can transport legally harvested and tagged paddlefish to a person with either a Paddlefish Processor Permit or a Paddlefish Processing Agent Permit for documentation of their catch.

2. It is unlawful to sell Paddlefish flesh without complying with the licensing requirements in MS Code Section 49-7-9.

3. It is unlawful --- once on shore ---, for Paddlefish Harvesters and Paddlefish Helpers to transport or exchange or attempt to exchange Paddlefish with a Paddlefish Processor or Paddlefish Processing Agent, unless the Paddlefish are accompanied by a Paddlefish Transaction Form containing all of the following information the harvester's printed name, the number of nets used, the date of harvest, the capture locations, the tag numbers for the possessed Paddlefish, s--and the signature of the Mississippi Paddlefish Harvester to document the Paddlefish.

4. It is unlawful for Paddlefish Harvesters to fail to document their Paddlefish catch before transporting it on land to a Paddlefish Processor or Paddlefish Processing Agent.

5. It is unlawful --- except for the transport specified in L3 --- for Paddlefish & Helpers to exchange, sell, resell, or ship for sale Paddlefish or Paddlefish parts.

6. It shall be unlawful to receive, acquire, possess, transport, export, import, or ship whole Paddlefish, Paddlefish parts, Paddlefish eggs or Bowfin eggs without a Documented Paddlefish Transaction Form with any such product.

M. Paddlefish Processing, Storage and Disposal During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful to process Paddlefish at any location that does not comply with Federal and State Health Regulations.

2. It shall be unlawful for anyone to process Paddlefish unless they are supervised by a person having a Paddlefish Processor Permit or a Paddlefish Processor Agent Permit.

3. It is unlawful to dispose of Paddlefish or Paddlefish ~~P~~parts in violation of the applicable waste disposal regulations established by the Mississippi Department of Environmental Quality. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany Paddlefish transported for waste disposal.

4. It shall be unlawful to receive, acquire, possess, or store any fish eggs in wholesale or bulk containers that do not contain Paddlefish Labeling.

5. It shall be unlawful to possess processed Paddlefish flesh and processed Paddlefish eggs without a Paddlefish Transaction Form signed by the Paddlefish Harvester and the Paddlefish Processor or Paddlefish ~~Process~~ing Agent which identifies the Paddlefish products to each Paddlefish by Paddlefish Tag Number, and by lot number.

6. It shall be unlawful for any person to possess, buy, sell, exchange or ship across the Mississippi state line whole Paddlefish, Paddlefish parts, Paddlefish eggs without the proper Paddlefish permits and a Documented Paddlefish Transaction Form with the product.

7. It shall be unlawful for any person, business, partnership, firm, or cooperation to make or submit any false record, account, or label for, or any false identification of Paddlefish or Bowfin and their parts which has been or is intended to be imported, exported, transported, sold, purchased, or bartered in intrastate or interstate commerce.

#### N. Inspections.

1. MDWFP personnel shall be authorized to inspect without warrant, Paddlefish Transaction Forms, other required forms, processing facilities, transport vehicles and boats and may record biological data on harvested Paddlefish.

#### O. Paddlefish Flesh Sales

1. Paddlefish flesh documented on a Paddlefish Transaction Form by a Paddlefish Processor may be retained by anyone for sale, barter, consumption, donation, or disposal. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany the Paddlefish. The Mississippi Paddlefish Tag must remain on the fish until it is sold to a consumer or until the flesh is packaged for retail sale.

#### P. Paddlefish Summer Harvest Season.

1. Paddlefish Summer Harvest Season is the months of May through August when Paddlefish eggs are not generally acceptable for producing caviar.

2. It shall be unlawful to receive, acquire, or possess eggs from Paddlefish harvested during the Paddlefish Summer Harvest Season.

3. It shall be unlawful for any person to attempt to take or take a Paddlefish during the Paddlefish Summer Harvest Season without having a valid Mississippi Resident Commercial Fishing License in his/her immediate possession.

4. It shall also be unlawful to harvest, receive, acquire, or possess a Paddlefish during the Summer Harvest Season unless it is tagged with a Mississippi Summer Paddlefish Harvest Tag, issued by MDWFP.

5. Paddlefish tagging requirements apply to Paddlefish taken during the Paddlefish Summer Harvest Season. Summer Paddlefish tags must remain on all Paddlefish including blocked Paddlefish until the flesh is placed for retail sale, at which time the packaged flesh must be labeling according to the Paddlefish Labeling definition.

6. The signature of the Paddlefish Processor is not required on a Paddlefish Transaction Form for Paddlefish taken during the Paddlefish Summer Harvest Season.

7. During the Paddlefish Summer Harvest Season it shall be unlawful to take Paddlefish from any waters not open to commercial fishing as listed in current version of Rule 3.1, and Paddlefish harvest from the following waters is also unlawful:

a. Any waters part of, or tributaries to the Tennessee River, Tombigbee River or the Tennessee-Tombigbee Waterway.

b. Any waters part of, or tributaries in the Pascagoula River watershed.

8. The immediate release of dead Paddlefish does not constitute take.

9. It shall be unlawful during the Paddlefish Summer Harvest Season to take or possess more than five (5) Paddlefish per day.

10. There shall be no possession of Paddlefish eggs from Paddlefish harvested during the Paddlefish Summer Harvest Season.

HISTORY: Revised September 2013

SOURCE: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-90.